

Senate Study Bill 3044 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH/BOARD OF
NURSING BILL)

A BILL FOR

1 An Act relating to the practice of nursing, including defining
2 the functions of an advanced registered nurse practitioner
3 and requiring background checks on nursing students.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 125.2, subsection 14, Code Supplement
2 2011, is amended to read as follows:

3 14. "*Psychiatric advanced registered nurse practitioner*"
4 means an individual currently licensed as a registered nurse
5 under chapter 152 or 152E who holds a national certification
6 in psychiatric health care and who is ~~registered with~~ licensed
7 by the board of nursing as an advanced registered nurse
8 practitioner.

9 Sec. 2. Section 147.74, subsection 21, Code 2011, is amended
10 to read as follows:

11 21. A registered nurse licensed under chapter 152 may use
12 the words "registered nurse" or the letters "R.N." after the
13 person's name. A licensed practical nurse licensed under
14 chapter 152 may use the words "licensed practical nurse" or
15 the letters "L.P.N." after the person's name. An advanced
16 registered nurse practitioner licensed under chapter 152 may
17 use the words "advanced registered nurse practitioner" or the
18 letters "A.R.N.P." after the person's name.

19 Sec. 3. Section 147.107, subsection 8, Code Supplement
20 2011, is amended to read as follows:

21 8. Notwithstanding subsection 1, but subject to the
22 limitations contained in subsections 2 and 3, a registered
23 nurse who is licensed ~~and registered~~ as an advanced registered
24 nurse practitioner and who qualifies for and is registered
25 in a recognized nursing specialty may prescribe substances
26 or devices, including controlled substances or devices, if
27 the nurse is engaged in the practice of a nursing specialty
28 regulated under rules adopted by the board of nursing in
29 consultation with the board of medicine and the board of
30 pharmacy.

31 Sec. 4. Section 152.1, Code 2011, is amended by adding the
32 following new subsection:

33 NEW SUBSECTION. 3A. The "*practice of an advanced registered*
34 *nurse practitioner*" means the practice of an independent
35 practitioner who is licensed by the board to do all of the

1 following:

2 *a.* Use the title "advanced registered nurse practitioner"
3 and the letters "A.R.N.P." pursuant to section 152.6.

4 *b.* Practice independently in a specialty area approved by
5 the board.

6 *c.* Prescribe, deliver, distribute, or dispense prescription
7 drugs, devices, and medical gases when the nurse is engaged in
8 the practice of a specialty area approved by the board pursuant
9 to section 147.107.

10 *d.* Perform a physical or an advanced assessment; order
11 and interpret diagnostic procedures; formulate a primary and
12 differential diagnosis; order therapeutic treatments; educate
13 and counsel patients and family members; delegate and assign
14 therapeutic measures to assistive personnel; maintain hospital
15 privileges; consult with other disciplines; provide referrals
16 to health care agencies, health care providers, and community
17 resources; and promote health maintenance.

18 *e.* Perform acts or nursing specialties that require
19 education as prescribed by the board, commensurate with the
20 advanced registered nurse practitioner's education, continuing
21 education, demonstrated competencies, and experience.

22 *f.* Sign death certificates, pursuant to section 144.26 or
23 144.28.

24 Sec. 5. Section 152.1, subsections 4 and 5, Code 2011, are
25 amended to read as follows:

26 4. The "*practice of a licensed practical nurse*" means the
27 practice of a natural person who is licensed by the board to do
28 all of the following:

29 *a.* Perform services in the provision of supportive or
30 restorative care under the supervision of a registered nurse
31 or a physician.

32 *b.* Perform ~~additional acts under emergency or other~~
33 ~~conditions which require education and training and which are~~
34 ~~recognized by the medical and nursing professions and are~~
35 ~~approved by the board, as being proper to be performed by a~~

1 ~~licensed practical nurse~~ that require education as prescribed
2 by the board, commensurate with the licensed practical nurse's
3 education, continuing education, demonstrated competencies, and
4 experience.

5 c. Make the pronouncement of death for a patient whose death
6 is anticipated if the death occurs in a licensed hospital, a
7 licensed health care facility, a Medicare-certified home health
8 agency, a Medicare-certified hospice program or facility, or
9 an assisted living facility or residential care facility,
10 with notice of the death to a physician ~~and in accordance~~
11 ~~with any directions of a physician,~~ advanced registered nurse
12 practitioner, or physician assistant.

13 5. The "*practice of nursing*" means the practice of a
14 registered nurse, ~~or~~ a licensed practical nurse, or an advanced
15 registered nurse practitioner. It does not mean any of the
16 following:

17 a. The practice of medicine and surgery and the practice of
18 osteopathic medicine and surgery, as defined in chapter 148,
19 or the practice of pharmacy as defined in chapter 155A, ~~except~~
20 ~~practices which are recognized by the medical and nursing~~
21 ~~professions and approved by the board as proper to be performed~~
22 ~~by a registered nurse.~~

23 b. The performance of nursing services by an unlicensed
24 student enrolled in a nursing education program if performance
25 is part of the course of study. Individuals who have been
26 licensed as registered nurses, ~~or~~ licensed practical or
27 vocational nurses, or advanced registered nurse practitioners
28 in any state or jurisdiction of the United States are not
29 subject to this exemption.

30 c. The performance of services by unlicensed workers
31 employed in offices, hospitals, or health care facilities, as
32 defined in section 135C.1, under the supervision of a physician
33 or a nurse licensed under this chapter, or employed in the
34 office of a psychologist, podiatric physician, optometrist,
35 chiropractor, speech pathologist, audiologist, or physical

1 therapist licensed to practice in this state, and when acting
2 while within the scope of the employer's license.

3 *d.* The practice of a nurse licensed in another state
4 and employed in this state by the federal government if the
5 practice is in discharge of official employment duties.

6 *e.* The care of the sick rendered in connection with the
7 practice of the religious tenets of any church or order by
8 the adherents thereof which is not performed for hire, or if
9 performed for hire by those who depend upon prayer or spiritual
10 means for healing in the practice of the religion of their
11 church or denomination, so long as they do not otherwise engage
12 in the practice of nursing as practical nurses.

13 Sec. 6. Section 152.1, subsection 6, paragraphs d and e,
14 Code 2011, are amended to read as follows:

15 *d.* Perform ~~additional~~ acts or nursing specialties which
16 that require education and training under emergency or other
17 conditions which are recognized by the medical and nursing
18 professions and are approved by the board as being proper to be
19 performed by a registered nurse, as prescribed by the board,
20 commensurate with the registered nurse's education, continuing
21 education, demonstrated competencies, and experience.

22 *e.* Make the pronouncement of death for a patient whose death
23 is anticipated if the death occurs in a licensed hospital, a
24 licensed health care facility, a Medicare-certified home health
25 agency, a Medicare-certified hospice program or facility, an
26 assisted living facility, or a residential care facility, with
27 notice of the death to a physician ~~and in accordance with any~~
28 directions of a, advanced registered nurse practitioner, or
29 physician assistant.

30 Sec. 7. Section 152.2, Code 2011, is amended to read as
31 follows:

32 **152.2 Executive director —assistants.**

33 The board shall appoint a full-time executive director. The
34 executive director shall be a registered nurse and shall not
35 be a member of the board. The governor, with the approval of

1 the executive council pursuant to section 8A.413, subsection 3,
2 under the pay plan for exempt positions in the executive branch
3 of government, shall set the salary of the executive director.

4 Sec. 8. Section 152.4, Code 2011, is amended to read as
5 follows:

6 **152.4 ~~Appropriations~~ Use of funds.**

7 The board may ~~apply appropriated~~ use any available funds to
8 and moneys retained by the board pursuant to section 147.82
9 for:

10 1. The administration and enforcement of the applicable
11 provisions of this chapter and of ~~chapter~~ chapters 147, 152E,
12 and 272C.

13 2. The elevation of the standards of the schools of nursing.

14 3. The promotion of educational and professional standards
15 of nurses in this state.

16 4. The collection, analysis, and dissemination of nursing
17 workforce data.

18 Sec. 9. Section 152.5, subsections 1 and 2, Code 2011, are
19 amended to read as follows:

20 1. All programs preparing a person to be a registered nurse,
21 ~~or~~ a licensed practical nurse, or an advanced registered nurse
22 practitioner shall be approved by the board. The board shall
23 not recognize a program unless it:

24 a. Is of recognized standing.

25 b. Has provisions for adequate physical and clinical
26 facilities and other resources with which to conduct a sound
27 education program.

28 c. Requires, for graduation of a registered nurse applicant,
29 the completion of at least a two academic year course of study.

30 d. Requires, for graduation of a licensed practical nurse
31 applicant, the completion of at least a one academic year
32 course of study as prescribed by the board.

33 e. Requires, for graduation of an advanced registered nurse
34 practitioner, satisfactory completion of a formal advanced
35 practice educational program of study in a nursing specialty

1 area approved by the board and appropriate clinical experience
2 as approved by the board.

3 2. All ~~advanced~~ postlicensure formal academic nursing
4 education programs shall ~~also~~ be approved by the board.

5 Sec. 10. Section 152.5, subsection 3, Code 2011, is amended
6 by striking the subsection.

7 Sec. 11. NEW SECTION. 152.5A Student record checks.

8 1. For the purposes of this section:

9 a. "*Nursing program*" means a nursing program that is
10 approved by the board pursuant to section 152.5.

11 b. "*Student*" means a person applying for, enrolled in, or
12 returning to the clinical education component of a nursing
13 program.

14 2. All nursing programs shall conduct record checks on
15 students as provided in this section.

16 3. A nursing program may access the single contact
17 repository established pursuant to section 135C.33 as necessary
18 for the nursing program to initiate record checks of students.

19 4. A nursing program shall request that the department
20 of public safety perform a criminal history check and the
21 department of human services perform child and dependent adult
22 abuse record checks in this state on the nursing program's
23 students.

24 5. If a student has a criminal record or a record of founded
25 child or dependent adult abuse, upon request of the nursing
26 program, the department of human services shall perform an
27 evaluation to determine whether the record warrants prohibition
28 of the person's involvement in a clinical education component
29 of a nursing program involving children or dependent adults.
30 The department of human services shall utilize the criteria
31 provided in section 135C.33 in performing the evaluation and
32 shall report the results of the evaluation to the nursing
33 program. The department of human services has final authority
34 in determining whether prohibition of the person's involvement
35 in a clinical education component is warranted.

1 Sec. 12. Section 152.6, Code 2011, is amended to read as
2 follows:

3 **152.6 Licenses — professional abbreviations.**

4 The board may license a natural person to practice as a
5 registered nurse, ~~or as a licensed practical nurse, or an~~
6 advanced registered nurse practitioner. However, only a person
7 currently licensed as a registered nurse in this state may
8 use that title and the ~~abbreviation "RN"~~ letters "R.N." after
9 the person's name; ~~and only a person currently licensed as a~~
10 licensed practical nurse in this state may use that title and
11 the ~~abbreviation "LPN"~~ letters "L.P.N." after the person's
12 name; ~~and only a person currently licensed as an advanced~~
13 registered nurse practitioner may use that title and the
14 letters "A.R.N.P." after the person's name. For purposes of
15 this section, "currently licensed" includes persons licensed
16 in another state and recognized for licensure in this state
17 pursuant to the nurse licensure compact contained in section
18 152E.1 or pursuant to the advanced practice registered nurse
19 compact contained in section 152E.3.

20 Sec. 13. Section 152.7, Code 2011, is amended by adding the
21 following new subsection:

22 NEW SUBSECTION. 1A. An applicant to be licensed as an
23 advanced registered nurse practitioner shall have the following
24 qualifications:

25 a. Hold a current license as a registered nurse pursuant to
26 this chapter.

27 b. Complete an advanced practice educational program as set
28 out in section 152.5.

29 Sec. 14. Section 152.10, subsection 2, paragraph d, Code
30 2011, is amended to read as follows:

31 d. (1) Having a license to practice nursing ~~as a registered~~
32 ~~nurse or licensed practical nurse~~ revoked or suspended, or
33 having other disciplinary action taken by a licensing authority
34 of another state, territory, or country. A certified copy of
35 the record or order of suspension, revocation, or disciplinary

1 action is prima facie evidence of such fact.

2 (2) Having a license to practice nursing ~~as a registered~~
3 ~~nurse or licensed practical nurse~~ revoked or suspended,
4 or having other disciplinary action taken, by a licensing
5 authority in another state which has adopted the nurse
6 licensure compact contained in section 152E.1 or the advanced
7 practice registered nurse compact contained in section 152E.3
8 and which has communicated information relating to such
9 action pursuant to the coordinated licensure information
10 system established by the compact. If the action taken by
11 the licensing authority occurs in a jurisdiction which does
12 not afford the procedural protections of chapter 17A, the
13 licensee may object to the communicated information and shall
14 be afforded the procedural protections of chapter 17A.

15 Sec. 15. Section 152.11, Code 2011, is amended to read as
16 follows:

17 **152.11 Investigators ~~for nurses~~.**

18 The board of nursing may appoint investigators, who shall
19 not be members of the board, to administer and aid in the
20 enforcement of the provisions of law related to those licensed
21 to practice nursing. The amount of compensation for the
22 investigators shall be determined pursuant to chapter 8A,
23 subchapter IV. Investigators authorized by the board of
24 nursing have the powers and status of peace officers when
25 enforcing this chapter and chapters 147 and 272C.

26 Sec. 16. Section 229.1, subsection 12, Code Supplement
27 2011, is amended to read as follows:

28 12. *"Psychiatric advanced registered nurse practitioner"*
29 means an individual currently licensed as a registered nurse
30 under chapter 152 or 152E who holds a national certification
31 in psychiatric health care and who is ~~registered with~~ licensed
32 by the board of nursing as an advanced registered nurse
33 practitioner.

34 Sec. 17. Section 231B.21, subsection 2, paragraph a, Code
35 2011, is amended to read as follows:

1 *a.* If administration of medications is delegated to
2 the elder group home by the tenant or tenant's legal
3 representative, the medications shall be administered by
4 a registered nurse, licensed practical nurse, or advanced
5 registered nurse practitioner licensed ~~or registered~~ in Iowa
6 or by the individual to whom such licensed ~~or registered~~
7 individuals may properly delegate administration of
8 medications.

9 Sec. 18. Section 231C.16A, subsection 2, paragraph a, Code
10 2011, is amended to read as follows:

11 *a.* If administration of medications is delegated to the
12 program by the tenant or tenant's legal representative,
13 the medications shall be administered by a registered
14 nurse, licensed practical nurse, or advanced registered
15 nurse practitioner licensed ~~or registered~~ in Iowa or by the
16 individual to whom such licensed ~~or registered~~ individuals may
17 properly delegate administration of medications.

18 Sec. 19. Section 231D.13A, subsection 2, paragraph a, Code
19 2011, is amended to read as follows:

20 *a.* If administration of medications is delegated to
21 the program by the participant or the participant's legal
22 representative, the medications shall be administered by
23 a registered nurse, licensed practical nurse, or advanced
24 registered nurse practitioner licensed ~~or registered~~ in Iowa
25 or by the individual to whom such licensed ~~or registered~~
26 individuals may properly delegate administration of
27 medications.

28 Sec. 20. Section 321.186, subsection 4, Code Supplement
29 2011, is amended to read as follows:

30 4. A physician licensed under chapter 148, an advanced
31 registered nurse practitioner licensed under chapter 152 and
32 ~~registered with the board of nursing~~, a physician assistant
33 licensed under chapter 148C, or an optometrist licensed under
34 chapter 154 may report to the department the identity of a
35 person who has been diagnosed as having a physical or mental

1 condition which would render the person physically or mentally
2 incompetent to operate a motor vehicle in a safe manner. The
3 physician, advanced registered nurse practitioner, physician
4 assistant, or optometrist shall make reasonable efforts
5 to notify the person who is the subject of the report, in
6 writing. The written notification shall state the nature of
7 the disclosure and the reason for the disclosure. A physician,
8 advanced registered nurse practitioner, physician assistant, or
9 optometrist making a report under this section shall be immune
10 from any liability, civil or criminal, which might otherwise
11 be incurred or imposed as a result of the report. A physician,
12 advanced registered nurse practitioner, physician assistant,
13 or optometrist has no duty to make a report or to warn third
14 parties with regard to any knowledge concerning a person's
15 mental or physical competency to operate a motor vehicle in
16 a safe manner. Any report received by the department from a
17 physician, advanced registered nurse practitioner, physician
18 assistant, or optometrist under this section shall be kept
19 confidential. Information regulated by chapter 141A shall be
20 subject to the confidentiality provisions and remedies of that
21 chapter.

22 Sec. 21. Section 514F.6, subsection 2, Code 2011, is amended
23 to read as follows:

24 2. For purposes of this section, "*physician*" means a
25 licensed doctor of medicine and surgery or a licensed doctor
26 of osteopathic medicine and surgery; "*advanced registered*
27 *nurse practitioner*" means a ~~licensed~~ an advanced registered
28 ~~nurse who is also registered to practice in an advanced role~~
29 practitioner licensed under chapter 152, "*physician assistant*"
30 means a person who is licensed to practice as a physician
31 assistant under the supervision of one or more physicians;
32 and "*credentialing period*" means the time period between the
33 health insurer's receipt of a physician's, advanced registered
34 nurse practitioner's, or physician assistant's application for
35 credentialing and approval of that application by the health

1 insurer. *“Credentialing”* means a process through which a health
2 insurer makes a determination based on criteria established by
3 the health insurer concerning whether a physician, advanced
4 registered nurse practitioner, or physician assistant is
5 eligible to provide health care services to an insured and to
6 receive reimbursement for the health care services provided
7 under an agreement entered into between the physician, advanced
8 registered nurse practitioner, or physician assistant and the
9 health insurer. *“Clean claim”* means the same as defined in
10 section 507B.4A, subsection 2, paragraph *“b”*.

11 Sec. 22. TRANSITION PROVISIONS — CONTINUING VALIDITY OF
12 REGISTRATIONS. A registration as an advanced registered nurse
13 practitioner issued prior to July 1, 2012, remains valid until
14 its expiration. A renewal shall be by license as provided in
15 this Act.

16 EXPLANATION

17 This bill contains various revisions to the nurse practice
18 Act. The bill requires advanced registered nurse practitioners
19 to be licensed by the board of nursing rather than registered,
20 and authorizes the professional abbreviation *“A.R.N.P.”*.

21 Current Code language authorizes nurses to perform acts or
22 nursing specialties which are recognized by the medical and
23 nursing professions and are approved by the board. The bill
24 eliminates this provision and provides that the regulation
25 of nursing is the authority and responsibility of the board
26 to determine which acts or specialties may be performed by a
27 nurse, commensurate with the nurse’s education, continuing
28 education, demonstrated competencies and experience.

29 The bill specifies the purposes for which licensing fees
30 which are treated as return receipts may be used by the board.